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AMERICA'S 100-YEAR WAR
"AN HISTORICAL ANALYSIS OF COUNTERDRUG STRATEGY"

BY

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USAWC STRATEGY RESEARCH PROJECT

**America's 100-Year War
"An Historical Analysis of Counterdrug Strategy"**

by

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ABSTRACT

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The United States federal government has waged "the war on drugs" since 1914. The cost to the American people has exceeded 100 billion dollars in just the past 20 years. Yet the flow of illegal drugs continues to enter our nations borders without an end in sight. Drug producing countries continue to produce cocaine, marijuana, and heroin at an immeasurable rate. The demand for illegal drugs in this country is high in comparison to other nations, and the demand base continues to get younger each year. This paper examines the historical background of the counterdrug effort and current national and military counterdrug strategies. This paper analyzes the effectiveness of the organizational and operational control of the Office of National Drug Control Policy (ONDCP) with regard to interagency operations and the use of military forces. Finally, this paper recommends organizational changes to the ONDCP, a possible increased role for the military, and a re-examination of the applicability of Posse Comitatus for the fight against illegal drug trafficking.

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Chapter One: A Serious Problem

Drug trafficking is an epidemic that America has faced for over 150 years. Today, fourteen million Americans use illegal narcotics and 36% of Americans age 12 and older have used some form of illegal drug. One and a half million Americans were arrested in 1997 for drug-law related offenses, and 100,000 people will die from drugs in the next decade.¹ These statistics illustrate the drug problem as it relates to America's future generations, crime and society, and costly health issues.

The 1997 National Security Strategy (NSS97) determined the drug problem in America is a threat to our very society. In a 1989 televised address to the American people, President Bush stated "Illicit drugs were the greatest threat facing our nation."² In multiple addresses to the nation, President Clinton stated countering drugs in America is a top priority. NSS98 states, "International drug trafficking organizations have become the most powerful and dangerous organized crime groups the United States has ever confronted due to their sophisticated production, shipment, distribution, and financial systems, and the violence and corruption they promote everywhere they operate."³ This war, this enemy, requires a comprehensive, organized, and controlled method of engagement. Our national security strategies provide guidance for the conduct of the "war on drugs."

This research paper not only examines the historical roots of the drug problem in America, but also explores the government's efforts over the past one hundred years to establish effective laws and policy to deal with the drug issue. Additionally it analyzes the current objectives and goals of the Office of National Drug Control Policy and measures the effectiveness of national level strategies pertaining to the war on drugs. In summary, it presents challenges and offer options for strategy improvement and Department of Defense involvement.

Chapter Two: A Historical Look

The effects of drug trafficking today are more dangerous than ever before in our nation's history. In the past decade, drug related crime has peaked to an all time high and the majority of Americans consider drugs to be the most serious problem facing the children of the United States.⁴ The National Institute on Drug Abuse administered a nation wide survey in 1991 to determine the number of drug users in America and their frequency of use. This survey determined that more than 72 million Americans have tried an illegal drug. More than one million Americans have injected heroine, cocaine, or some other type of narcotic.⁵

A 1998 drug use survey administered to twelfth graders revealed an alarming increase in lifetime drug use, which began prior to the age of twelve. This survey is a telling story of the problem America has defending itself against the drug threat. Parents can no longer protect their children from drug pushers or the associated crime and gang related violence. More and more gangs distribute drugs as

part of their income and have targeted not only kids in high school but also elementary school age children.

American school children are not the only victims of drug trafficking but also the local community itself. American townships are being held hostage by violence and intimidation by organized crime groups, which deal in drugs, prostitution, weapons selling, and other criminal activity.

The question asked by most Americans is "How did we as a nation get this far down the road to drug addiction and the crime and negative effects associated with drug trafficking?" That question can be answered with an understanding of our nation's historical settlement and the various cultures which were part of the mass immigration.

Narcotic use in America can be traced back to the early 19th century. In the early 1800s, the Chinese culture introduced opium in the western United States as a form of a mind escape. Along with alcohol, opium gained a great amount of popularity. Increased use of this narcotic was prevalent during the Civil War and in the post war era. The addiction for opium skyrocketed and many Americans believed this drug to be beneficial for their health.⁶

Morphine was discovered in 1806 and thought to be the miracle drug. With the creation of the syringe, it was widely used to treat infection and pain during the Civil War. Many Civil War veterans became addicted to morphine (estimates were about 400,000), and the addiction became known as the "Army Disease." Doctors prescribed heroine to cure morphine addiction. Heroine was not considered addictive and was actually used to treat respiratory illnesses.⁷

In the late 19th century, coca was sold as a health tonic and remedies for other ailments. European and American doctors supported the use of coca products and prescribed them for curing opiate addiction, asthma problems, hay fever, and a curing toothaches. America's first cocaine epidemic started in the mid-1880s and continued midway into the 1920s.

In the late 1870's, the local government in San Francisco enacted the first anti-drug laws. This law prohibited opium dens within the city limits. The first federal governmental law enacted to counter the opium epidemic was aimed at preventing Chinese nationals from importing opium into the Unite States. This law went into effect in 1887 and constituted the first federal battle waged on the war on drugs. The counterdrug skirmish of 1887 focused on the supply side of this very complicated problem.⁸

By the late 19th Century, America's addiction for mind-altering narcotics was firmly rooted in her culture; however, most Americans realized that a dangerous problem existed with drug addiction and over the past century they sought corrective action.

At the turn of the Century, regulation of narcotics became the new tactic. The Pure Food Drug Act of 1906 required that the disclosure of the ingredients of products containing drugs or medicines be on the container labels. Although these medicine labels contained the names of the addictive drugs, this Act did not restrict the sale or use of the products which contained the narcotics. However, the Pure Food Act did prohibit the interstate shipment of cocaine and restrict the importation of coca leaves.⁹

The United States attempted to take the lead in the international community's problem with opium addiction. In 1909, the U.S. held a series of international conventions to gain support for their anti-opium stand. The U.S. encouraged other countries to pass national laws against opium use and trafficking. In 1911 at The Hague Convention, the push for an international solution lost its momentum and no legislation was enacted.¹⁰

In 1913, the U.S. was committed to solving the opium problem and the Senate ratified legislation from the earlier Hague Convention and began drafting laws to stop the abuse of opium, morphine, and coca products. The commitment on the part of the Congress led to the passage of the Harrison Act in 1914. The Harrison Act required persons who prescribed or sold specified drugs to register nationally and buy special tax stamps in order to sell certain drugs. Although the Harrison Act was a revenue generating law, it stipulated that no unregistered person might possess specified drugs without a prescription. Thus we have the first possession of unauthorized narcotics legislation.¹¹

Early in the 1920s, the United States Federal government enacted the narcotic Drug Import and Export Act. This law restricted the importing and exporting of opium to all countries that ratified the Hague Convention agreements of 1911. The salient point about this Act was the creation of the Federal Narcotics Control Board (FNCB). The FNCB consisted of the Secretaries of State, Treasury, and Commerce and represented the first interagency effort in controlling drug trafficking.¹²

In the 1930s, the Federal Bureau of Narcotics (FBN) was created within the Treasury Department. Establishing the FBN represented a shift in law enforcement focus from alcohol related crimes to drug crimes. The FBN was charged with enforcing the Harrison Act and other drug laws.

The war on drugs has always been categorized as a two front war, the supply side and the demand side. Late in 1929, the U.S. began its fight against drugs on the demand side. The Porter Narcotic Farm Act authorized federal money to be spent by the Public Health Service Department on treatment of drug addicts. The federal funds would ultimately pay for two hospitals dedicated to the treatment and rehabilitation of drug addicts.¹³

In the mid-1930s, marijuana became the drug of concern to the American people. State laws were passed restricting marijuana use and this drug quickly became the primary focus of the FBN. The FBN used the anti-marijuana anxiety of the American people to force Congress to pass the Marijuana Tax Act of 1937. This Act designated marijuana as one of the prohibited drugs unless a person had a license for distribution. The most important measure of this Act was the substantial tax on all transfers of the marijuana substance.¹⁴ Much like the Harrison Act, the Marijuana Tax Act began as a revenue generating law not a drug prohibition law.

America would spend the 40 years fumbling around with laws and legislation, which attempted to solve demand, related issues.

During World War II, America was preoccupied with combat in Europe and in the Pacific. Drug trafficking was not a concern and rarely was newsworthy. Whether drug trafficking was on the decline or the lack of focus from the American people caused the lack of emphasis by the Federal Bureau of

Narcotics during this period, one can only surmise; however, the FNB declared illegal narcotics trafficking to be eliminated. A re-emergence of the drug problem would raise its head in the 1950s at about the same time the country was dealing with the Korean War.

McCarthyism was running amuck in our nation and the American people were convinced that the use of illegal drugs was unpatriotic and contributed to the overall evil communist plague. Stiffer penalties for drug use and distribution were enforced and two Acts came into effect. The Boggs Act of 1951 and the Narcotic Control Act of 1956 were passed with little difficulty with the focus of harsh criminal penalties for drug trafficking, mandatory minimum sentences, and higher fines for drug violation convictions.¹⁵

As the Red scare passed in the early 1960s and the American people settled down into a state of normalcy, the federal government re-focused on treating its addicts. Treatment included rehabilitation and post rehab care. These programs were executed at the local level with federal funds. Midway through this decade, America began its entrenchment in the Vietnam War and also its new love affair with psychedelic drugs. LSD began to emerge in large quantities and became the favorite hallucinogen for teenagers and young adults.

The 1960s can be viewed as a renewed offensive against America by drug traffickers. Psychologically, our youth were ripe for the re-insurgent of illegal drugs. The loss of confidence in the government and its policies due to the Vietnam War contributed immeasurably to the rise in drug use. The federal government fought back with more anti-drug laws.

New laws were enacted and new departments were created to combat the rise in drug use. The 1965 Drug Abuse Control Amendment attempted to fight drug trafficking by controlling the manufacturing of legal amphetamines and barbiturates, and by imposing criminal penalties for illegally manufacturing these drugs. This amendment attacked all sides of the drug problem; supply, treatment, and law enforcement. The Drug Abuse Control Amendment brought an increased emphasis on treatment and rehabilitation and established the Bureau of Drug Abuse Control. The Bureau of Drug Abuse Control was charged with enforcement of the provision of the Amendment. Other organizational changes occurred in order to make the nation's counterdrug effort more efficient. In 1968, the Federal Bureau of Narcotics was transferred to the Justice Department and merged with the Bureau of Drug Control Abuse. This new organization was called the Bureau of Narcotics and Dangerous Drugs (BNDD).

As the United States entered a new decade, the federal government changed its focus from treatment to the reduction of the flow of illicit drugs. The Controlled Substance Act of 1970 shifted federal interagency roles from taxation to interstate commerce control. This Act created a federal standardized list for drugs and their medical use. Schedule One of this Act listed the most dangerous drugs, which had no medicinal purposes (i.e. heroin and cocaine).¹⁶

The effort to solve the American drug problem by increasing emphasis on the demand side of the house without understanding the counter-culture of the 1970s was an effort in vain. Drug law enforcement agencies attempted to rupture organized crime involved in drug trafficking without a

coordinated or balanced approach with drug prevention agencies. Education and treatment during this period was as important as supply reduction.

The realization by some counterdrug administrators that more effort was required on the demand side resulted in the 1972 Drug Abuse Office and Treatment Act. This Act created the National Institute on Drug Abuse (NIDA) and the Special Action Office for Drug Prevention (SONDP). These two newly created agencies were charged with drug prevention, education, treatment, and research. Three billion dollars were spent by the Nixon administration during this time frame and mostly on the demand side.

In 1973, the Drug Enforcement Administration (DEA) was established. The primary responsibility of the DEA was drug supply reduction. The DEA was in essence a combination of the BNDD, the Office for Drug Abuse Law Enforcement, the Office of Nation Narcotics Intelligence, and Customs Service personnel involved in drug law enforcement.¹⁷ Centralizing the fight against the supply front was the first serious coordinated effort in the drug war. These organizational changes marked an important step in streamlining the chain of command. Although it appeared the federal government was beginning to take the war on drugs seriously, many states in the early 1970s passed laws decriminalizing possession of small amounts of marijuana. Once again a mixed message was sent to the American people.

Early in the 1980s, supply reduction was the main focus of activity and funding. President Reagan authorized the Department of Defense to step up its support the DEA interdiction effort. Laws enacted during this period reflected the administration's resolve to break international crime organizations associated with drug trafficking. Drug law enforcement officers were empowered by law to seize property involved in the illegal sale or purchase of narcotics. This meant that John Doe private citizen could lose his privately owned vehicle if he was arrested for purchasing illegal drugs. These type of laws supported President Reagan's "getting tough on drugs" strategy. The administration's message was clear; drug use will not be tolerated. Reagan's 1986 Anti-Drug Abuse Act included punitive aspects of this policy.¹⁸ But what of the demand side? President Reagan failed to develop a balanced strategy throughout his tenure as president.

After over 100 years of fragmented counterdrug policy, the United States enacted the Crime Control Act of 1990. This Act contained 37 different Titles and became the most comprehensive drug bill to date. The 1990 Crime Control Act addressed issues on both fronts of the drug war, supply and demand. Appropriations for drug law enforcement agencies doubled with an overall 1990 counterdrug budget of 11 billion dollars. Drug prevention programs were expanded which emphasized education and treatment. This Act also targeted drug traffickers with additional personal asset seizure titles (freezing personal financial assets, etc.).

Other significant contents of the 1990 Act focused on countering money-laundering activities on an international basis and the control of precursor chemical used in synthetic narcotics.

The 1990 Crime Control Act set the stage for what would become the most decisive and productive decade for America in its war on drugs. However, victory would come slowly and the local perspective on progress often differs from the federal perspective. State and local law enforcement officials would see

the progress with the counterdrug effort from a ground-zero level. Their views of counterdrug success differ from the federal opinion.

The next few paragraphs provide a New York City official's perspective of the negative effects of drug trafficking on society. On September 24th of 1999, in New York City, Police Commissioner Howard Safir spoke to a group of United States Army War College students. In his remarks, he related the following:

Drug abuse is not just an urban problem, it is a problem, which infects all races and cultures and posses no geographical boundary. The number one problem in New York City and America was drugs and drug related crime. The city's primary concern is for the safety of the public from drugs and the violence that the drug trade promotes. The war on drugs in America has failed at the national level. For the war against drug trafficking to be successful, the fight requires cooperation at all levels of government to include the international community.

As a result of the transnational nature of drug trafficking, those individuals involved in that activity should be deemed international criminals by the Hague Convention. The United States is not doing well with its relationships with drug producing countries. We appear to be losing influence over these nations and our programs are not effective for curbing the drug trade.

Fighting drug trafficking on the domestic level is equally important. Organized crime is deeply rooted in the drug trade. Organized crime is involved with terrorism, money laundering, and other crimes associated with drug trafficking. Business establishments that are found to have connection with organized crime should be busted. Landlords that allow criminal activity to go on in their complexes, whether that is be drug trafficking, prostitution, or other illegal activities should go to jail and their property forfeited. Urban development must begin to encompass demolishing of old buildings used for crack houses and drug dens. The community must get involved to rid our neighborhoods of the drug menace.

The commissioner did mention that prevention and treatment were important; however, his focus was keenly on combating the drug traffickers. The New York City Police Commissioner's comments demonstrate that fighting the war on drugs must be a coordinated effort on three levels: local, federal, and international.

Chapter Three: Organize for the Fight

Out of the ashes of the dissolved Drug Policy Board and the Drug Abuse Policy Office came the creation of the Office of National Drug Control Policy (ONDCP) in 1988. The establishment of the ONDCP was the result of two requirements, first, comprehensive counterdrug policy development and second, a single overall controlling headquarters for all agencies involved in the war against drugs.

There have been many efforts to coordinate the activities of federal drug law enforcement agencies (DLEAs) over the past 30 years. These efforts usually were born out of legislative acts, which attempted to address drug trafficking issues pertinent to that point in our history. Although many of the legislative acts mandated the creation of a multitude of drug law enforcement agencies and drug prevention programs, these efforts were a shot at a moving target. If Congress and the Executive Office deemed the supply side of the war on drugs was the hot issue at the time, then a new office was created, new strategies formulated, new policies developed, and resources would be allocated to that end.

Unfortunately, the next administration may have decided that the problem with the war drugs was the opposite of his predecessor and the pendulum would swing again.

Throughout the historical background of drugs in America, the reader may have the impression of a nation with 150 years of pinball strategy and legislation for countering the drug threat. The ONDCP was created to "stop the madness" and bring common sense and balance to this nation's approach to defeating drug trafficking. It is important to note that the ONDCP is organizationally located in the Executive Office of the President. This is not just another link in a cumbersome bureaucracy, but rather an office with Executive guidance, power, and accountability.

The person placed in charge of the ONDCP is often referred to as the "Drug Czar." That position is currently filled by retired General Barry McCaffrey. He is responsible for the coordination of all drug policy and strategy with full jurisdiction on the supply side of the war as well as the demand side.¹⁹

The functional organization of the ONDCP is divided into two major departments, Supply and Demand. Each of these departments has an executive position at the helm with the title of Deputy Director for Supply Reduction and the Deputy Director for Demand Reduction.

The Deputy Director for Supply Reduction is responsible for assisting with the development of supply reduction strategy and the coordination of all activities pursuant to the reduction of drug cultivation and shipment interdiction. Likewise, the Deputy Director of Demand Reduction is charged with the same type responsibilities within the borders of the United States.

The ONDCP funding over the past ten years has steadily grown. The FY00 budget for the ONDCP exceeds \$17 billion. This large budget must support the five goals and 31 objectives laid out in the 1999 National Drug Control Strategy. Funding for the National Drug Control Strategy is based on performance measurement. The FY00 budget is tied to a set of Performance Measures of Effectiveness (PME). The process of PME requires the ONDCP be accountable for the expenditures of tax dollars and also for the development of an effective drug control strategy. The 1999 National Drug Control Strategy focused funding by goals. A certain percentage of the total FY00 appropriation is matched against each of the five major goals. These goals are not funded equally; however, this funding strategy acknowledges a comprehensive approach to combating drugs without one goal or another being shortchanged. This balanced approach attempts to prevent under funding of the demand side of the war as had happened in previous years.

The National Drug Control Budget funds many agencies involved with the war on drugs. Some of the major agencies and departments with their associated funding levels are listed in Table 3-1.²⁰

The National Drug Control Budget
Drug Spending by Department (\$ Millions)

Dept.	FY98		FY99		FY 00		Change: 99 Enacted to 00 Req.	% Change
	Actual	Enacted	Supp.	Total	Request			
Defense	831.60	895.10	42.00	937.10	954.60	59.50	6.60	
Education	650.00	663.00	0.00	663.00	689.60	26.60	4.00	
HHS	2,523	2,859	0.00	2,859	3,055	195.60	6.80	
HUD	310.00	310.00	0.00	310.00	310.00	0.00	0.00	
Justice	7,340	7,696	11.70	7,708	7,896	199.50	2.60	
ONDCP	428.20	447.50	3.20	450.70	454.20	6.70	1.50	
State	219.70	245.20	232.60	477.80	276.60	31.40	12.80	
Transportation	538.80	556.70	264.70	821.40	624.60	67.90	12.20	
Treasury	1,347	1,393	266.70	1,659	1,454	61.70	4.40	
Veterans Affairs	1,098	1,126	0.00	1,126	1,126	0.00	0.00	
All Other	<u>811.50</u>	<u>851.00</u>	<u>23</u>	<u>874.1</u>	<u>937.10</u>	<u>86.00</u>	<u>10.10</u>	
Total	<u>16,097</u>	<u>17,042</u>	<u>843.90</u>	<u>17,886</u>	<u>17,777</u>	<u>734.80</u>	<u>4.30</u>	

Table 3-1

Additional funds from other appropriations were received by drug control agencies in the amount of \$844 million in FY99. These other appropriate funds are considered emergency purpose funds and are expected to be available in FY00.

Chapter Four: Counterdrug Strategy and Analysis

For the past eleven years the ONDCP has developed counterdrug strategy which has supported the National Security Strategy and attempted to reduce the effects of drug trafficking in the U.S. The success of ONDCP counterdrug strategy can be examined by reviewing the method of employment and the effectiveness of national ends, ways, and means.

a. Ends, Objectives, and Goals. The national goal of the Office of National Drug Control Policy is a reduction of illegal drug use by 50% and a decrease of 25% of drug use consequences. The target date for these goals is December 31st, 2007.²¹

National Strategy developed for the “war on drugs” can be found in two primary sources, National Security Strategy and National Drug Control Strategy. These two cornerstone documents outline objectives and goals for federal agencies involved in the counterdrug fight.

(1) National Security Strategy. NSS defines ends in general terms as it relates to drug trafficking. The ends can be considered an element of enhancing our security, bolstering our economy, and promoting democracy abroad. The United States will become a safe nation as it continues to make headway against drug trafficking. Every dollar that is not spent on purchasing drugs by users can be

spent on other goods or services that bolsters our economy. By economically assisting struggling democracies, the U.S. can help prevent nations turning to drug production as a form of illegal income.

(2) National Drug Control Strategy 1999 (NDCS99). NDCS99 defines the drug problem in America as an attack on our society from two fronts, supply and demand. This document calls for a balanced approach in the formulation of counterdrug solutions. NDCS lists five goals for the war on drugs:

Goal 1: Educate and enable America's youth to reject illegal drugs as well as alcohol and tobacco

Goal 2: Increase the safety of America's citizens by substantially reducing drug related crime and violence

Goal 3: Reduce health and social costs to the public of illegal drug use

Goal 4: Shield America's air, land, and sea frontiers from the drug threat

Goal 5: Break foreign and domestic drug sources of supply²²

b. Ways and Means. National drug control strategies address all four instruments of national power (diplomatic, economic, military, information) and their applications to the war on drugs. All four instruments have their utility and are equally effective. Diplomacy and economic support are important as the U.S. attempts to get support for its global approach to fighting drug trafficking. The information tool is paramount in the fight at home. Prevention through education is the key for demand reduction. Military and Drug Law Enforcement Agencies are necessary for the war against national and international organized crime.

(1) National Security Strategy. Drug trafficking is a transnational problem and threatens United States interests at home and abroad.²³ This very important fact dictates a global approach to solving the drug issue. NSS98 suggests action for countering the illegal drug trade in general terms. It focuses the "ways" of attacking the illegal narcotics industry in the international arena. In using diplomatic channels, the U.S. can bring more nations on board through international liaisons and establishing an international crime control strategy.²⁴

The International crime control strategy requires cooperation from other nations. NSS98 proposes agreement by nations on international laws, combined counterdrug organizations, and the cross training of drug law enforcement agencies.²⁵ NSS98 also proposes that the international crime strategy include the following precepts:

- Increase law enforcement activities
- Enhance monitoring and interdiction
- Stiffer penalties for offenders
- Deny safe haven for criminals
- Counter international financial crime
- Foster international cooperation

In theory this strategy has merit; however, it relies heavily on cooperation and participation from foreign governments. If the U.S. expects third world nations to reject the temptation of drug cultivation and the billions of dollars in profits associated with those crops, it must provide a better economic incentive. A strong U.S. stance against drug trafficking can appear to be a paper tiger chasing its tail without international emphasis.

(2) **National Drug Control Strategy.** Demand reduction remains the primary goal of NDCS99. Through a series of comprehensive demand reduction programs, a larger decrease in supply or trafficking activities is expected in the future. NDSC99 divides the issue of demand into three categories: prevention, law enforcement, and treatment.

PREVENTION

Prevention is the key to demand reduction strategy. If prevention is successful, then it logically follows that law enforcement and substance abuse treatment will be minimal.

This strategy advocates education to be the cornerstone of drug abuse prevention. If the youth of America can be educated on the harmful effects of drug use, then the desire for consumption of illegal narcotics will decrease. This being the case, educational methods must attempt to reach the young and communicate our anti-drug message in terms they understand and believe.

LAW ENFORCEMENT

Law enforcement remains a judicial activity that brings those who violate the law to justice. Law enforcement works on both fronts-supply and demand. The law enforcement piece of this strategy is divided into three distinct focuses: inside the United States, along U.S. borders, and transit zones (between source country and destination). Drug Law Enforcement Agency (DLEA) missions are as follows:

- Protect United States borders from drug smugglers
- Use and share intelligence with other governments
- Focus on southwest border
- Cooperate with Mexican government in counterdrug efforts
- Focus on maritime approaches into U.S. territorial waters²⁶

TREATMENT

Treatment of narcotic addictions is effective with some drug users. Historically, treatment programs have focused on the adult population. It is with the adults that chronic drug abuse is found. Treatment for chronic drug abusers can be of a long duration with many relapses into their previous patterns.²⁷ Treatment by government agencies focuses on those most in need. The majority of individuals seeking assistance to become drug free must utilize local community programs.²⁸

Chapter Five: DoD Involvement

In 1989, after nearly 100 years of combating drug trafficking with piece meal legislation, the military was called upon to lend a hand.

The Executive Branch decided to get serious about fighting the war on drugs and in September of 1989, President Bush officially involved the Department of Defense. The National Defense Authorization Act for FY89 mandated Department of Defense involvement in countering drug trafficking activities.²⁹

With DoD's entry in to the fight, advanced technological systems for detecting, monitoring, tracking, and interdicting became available to drug law enforcement agencies. One important point to note is that although DoD is the government's lead agent for detection activities, it is a supporting agency for the overall fight. DoD is not in charge and its counterdrug activities are subordinate to the Office of National Drug Control Policy. Both past and present Secretaries of Defense have stated that DoD does not desire to have the overall lead role in the war on drug trafficking. The DoD's number one mission priority is to fight and win our nation's wars. You could argue that the drug war has been as costly in lives, manpower, and funds as any of our nation's previous wars this century; however, DoD maintains its position as a supporting agency. The CONUS based counterdrug war is waged by mostly non-military agencies. There are certain laws and restrictions for the use of Federal Troops in law enforcement activities aimed against U.S. citizens.

The Posse Comitatus Act was enacted in 1878 as a constitutional measure to protect U.S. citizens from state and local governments in post-war Confederate States from using federal troops to maintain power. Title 18 United States Code Section 1385 prohibits the use of military forces to "execute the laws" unless expressly authorized by the Constitution or Act of Congress. The Posse Comitatus Act was a solid piece of legislation for its original intent; however, today this Act hampers legitimate military efforts to combat an enemy that may be the most dangerous threat to our society.³⁰

Other regulatory controls over military use in counterdrug activities include Title 10 United States Code and several Executive Orders. Title 10 United States Code Sections 371-378 prohibit the federal military from directly participating in arrests, searches, seizures, or similar activities unless authorized by law.³¹ Executive Order 123333, United States Intelligence Activities, regulates the use of national/military intelligence assets. This order sets forth the conditions in which DoD assets may collect against U.S. citizens.

The Posse Comitatus Act does not apply to National Guard troops unless they have been federalized. State governors can authorize National Guard units to assist drug law enforcement agencies in the war on drugs if those units remain under the control of the state government. State-sponsored support can take place on U.S. soil and may be directed against citizens involved in criminal activities.³² Last year in the United States, the National Guard carried out numerous mission taskings in support of DLEA. These missions ranged from construction of fences along the Mexican border to curb the drug

flow in to the United States, to providing intelligence analyst support to track major drug shipments. The Army National Guard provides a multitude of capabilities to the DLEA under the provisions of Title 32.³³

Although the Posse Comitatus Act prevents active duty military from participating in certain activities on U.S. soil, it does not restrict support to supply reduction operations in other countries. Active duty military and the National Guard have a multitude of roles both on the supply side as well as the demand side. It may appear to some readers that DoD does not have a clear mission in the war on drugs, however, specific guidance pertaining to the military's role can be found in numerous publications.

The Joint Military Publication System outlines guidance for DoD's support to counterdrug operations in numerous pubs. Joint Pub 3.0, Doctrine for Joint Operations lists Counterdrug Operations as an activity that military forces will participate in as a part of "Operations Other Than War (OOTW)."³⁴ JCS Pub 3-05, Doctrine for Joint Special Operations, lists counterdrug operations as a Special Operations Collateral Activity. A collateral activity for Special Operations Forces (SOF) is based on the changing environment. This activity is not considered a primary function of SOF; however, operations conducted as a part of the counterdrug collateral activity are considered important and receive the same operational considerations. The SOF counterdrug collateral activity is conducted in support of regional CINC counterdrug programs and operations.

Joint Pub 3-07.4, Joint Counterdrug Operations is the capstone document for joint military planning and execution of counterdrug missions. JCS Pub 3-07.4 lists DoD's primary roles in the war on drugs as:

- Act as single lead agent for Detection and Monitoring of the aerial and maritime transit of illegal drugs into the U.S.
- Integrate into an effective communications network for command, control, communications, and intelligence assets
- Approve and fund state governors' plans for expanded use of the National Guard for counterdrug operations

Each regional CINC has a department responsible for overseeing the counterdrug activities within the CINC's AOR. In the United States, Forces Command (FORSCOM) has that responsibility. Joint Task Force Six is the agency responsible for CONUS based military counterdrug activity for FORSCOM. FORSCOM has further defined its counterdrug roles into several major categories; ground reconnaissance, land detection/monitoring, air reconnaissance, training support to DLEAs, marijuana eradication, intelligence support, transportation support, diver support, engineer support, and maintenance support.³⁵

The military technical support and unit involvement with counterdrug activities is growing; however, the United States is still not winning the war against drug trafficking. There are solutions, which point to an increased military involvement; however, more DoD support can only be a part of the greater answer.

Chapter Six: The Path to Victory

The Office of National Drug Control Policy has a good plan of action for the next ten years and its objectives and goals are reasonable. However, with a shrinking budget, all efforts to streamline command and control and to reduce duplications of effort must be made. The suggestions listed should be examined for appropriate applicability.

a. Policy and Strategy

Over the past 100 years, the United States has seen counter-drug policy and strategy go from one extreme to another. During some periods of our history, the demand side of the issue was the most important problem and at other times the supply side possessed the major national concern. Priority was evident by the size of the counterdrug budget and the specific focus of the funding. What is the solution to our pendulum counterdrug strategy if it is to defeat the number one menace to our nation?

The answer lies between balance of supply and demand reduction. The ONDCP has made major strides toward a balanced strategy, which addresses the problems associated with prevention, treatment, education, and CONUS based law enforcement. Emphasis on home based solutions will dramatically assist with the reduction of American drug abuse, which in turn will curb illegal narcotic supply requirements.

This balanced strategy must begin to enlarge its scope of the challenges associated with supply reduction. The scope of supply reduction must address the problems of poor Latin American farmers, governments fighting insurrections, crop substitution programs, and national security issues revolving around organized crime and narco-terrorism. That is to say, drug trafficking is directly connected with all of the above issues. Counterdrug strategy can not be developed in a vacuum.

Supply reduction strategy must recognize the fact that Latin American countries fighting against drug traffickers are also fighting against active insurgents. Narco-traffickers and anti-government insurgents in Latin American countries are working together. The insurgents are providing armed protection for drug trafficking cartels and the cartels are providing the funds necessary for the guerrillas to finance their insurrection. There must be an integrated strategy to sever the partnership between these two criminal organizations. Counterdrug strategy should reflect a coordinated effort with counter-insurgency strategy. This strategy emphasizes a different kind of war for the counterdrug effort. The counter-drug war which is directly tied to insurgency is actually an Military Operation Other Than War (MOOTW) and should be approached in that manner.

United States National Security Strategy states that the transnational threats (terrorism, drug trafficking, and organized crime) endanger the international community as well as the United States. If this is the case, then it is time to direct military operations to destroy, defeat, and annihilate this enemy.

A new bolder strategy that directs military action against narco-terrorist and guerrilla forces that threaten sovereign governments is required. By applying political and economical pressure, the United States can gain access for military operations in the drug producing nations.

Here in the United States, some major concessions along the lines of personal freedoms may be required. Most Americans may not be ready to forfeit some personal freedoms to end the menace, which is killing our children, making communities unsafe for its citizens, and bringing many democratic nations to their knees. However, if Americans choose to fight, then the time to get serious is now. Much like the sacrifices made by our citizens during World War Two to aid in the war effort, Americans must stand together and accept some bold new strategies. The Office of National Drug Control Policy should be transformed into a war-fighting headquarters, the National Counter Drug Command.

b. Roles of the National Counter Drug Command (NCDC).

The Major role of the National Counter Drug Command would be to eliminate drug trafficking in the United States. This major role permeates itself into several subordinate roles.

- Prevent drug abuse in the United States
- Prevent illegal narcotics from entering the United States
- Enforce the laws of the land as they pertain to countering illegal narcotic criminal activity

These roles may appear to be very broad and general; however, they give enough direction for the NCDC to formulate principal missions and collateral activities to reach the desired endstate.

(1) Prevent drug abuse in the United States. As previously stated, prevention can be divided into three distinct areas of focus: education, treatment, and law enforcement.

(2) Prevent illegal narcotics from entering the United States. This role is the most complex and difficult to fulfill. It can be sub-divided into several parts. Interdiction of drugs once they reach U.S. soil, interdiction of drugs in U.S. and international waters, interdiction of drugs at transfer locations, and interdiction and eradication of drugs at the source.

(3) Enforce the laws of the land as they pertain to countering illegal narcotic criminal activity. This role has international as well as national ramifications. This role dictates international cooperation in the war against drugs. It requires diplomatic efforts at the highest levels of government and also with global organizations. This role encompasses treaty development, INTERPOL cooperation, United Nations authority, nation to nation training agreements, and authorization for military operations in other nations. This role is the most sensitive. It encompasses all the elements of national power and is by far the most important.

c. Principal Missions of the National Counter Drug Command

- Prevent drugs from entering the United States by interdiction methods
- Conduct intelligence collection and reconnaissance
- Direct Action (DA)
- Security Assistance and Support Operations
- Command and Control of all counterdrug efforts
- Develop counterdrug educational programs
- Develop and coordinate drug abuse treatment programs
- Conduct drug law enforcement operations

d. Collateral Activities of the National Counter Drug Command

- Combat international and national terrorism
- Conduct Counter Insurgency (CI) operations
- Conduct Information Operations (IO)
- Conduct Security Assistance (SA) operations

Many of the missions and activities may be in support of other Warfighting CINCs.

e. Organizational Structuring

Restructuring the NCDC into a functional headquarters would facilitate better command and control of all counterdrug efforts. This new headquarters must be seen as a war-fighting headquarters with operational control of all federal counter-drug forces. The headquarters must combine drug enforcement agencies, civilian intelligence assets, and other counter-drug slices of ATF, Justice, and Treasury into one organization. Military assets would remain under DOD and be OPCON for operations on a case by case basis.

The National Counter Drug Command would have the responsibility for countering the supply side of the war as well as providing resources toward solving the problems associated with the demand side. There should be a balanced approach to both sides of the war and funded accordingly.

The command should be organized functionally (personnel, intelligence, operations, support, special operations, public affairs, etc.). Although this is a civilian federal agency, its organizational structure and temperament should be like that of a warfighting CINC's headquarters. The organizational diagram pictured below does not attempt to answer all questions pertaining to actual departmental structures, but rather gives an idea of grouping functions with the associated agencies falling in under that particular function.

Functional Organizational Structure

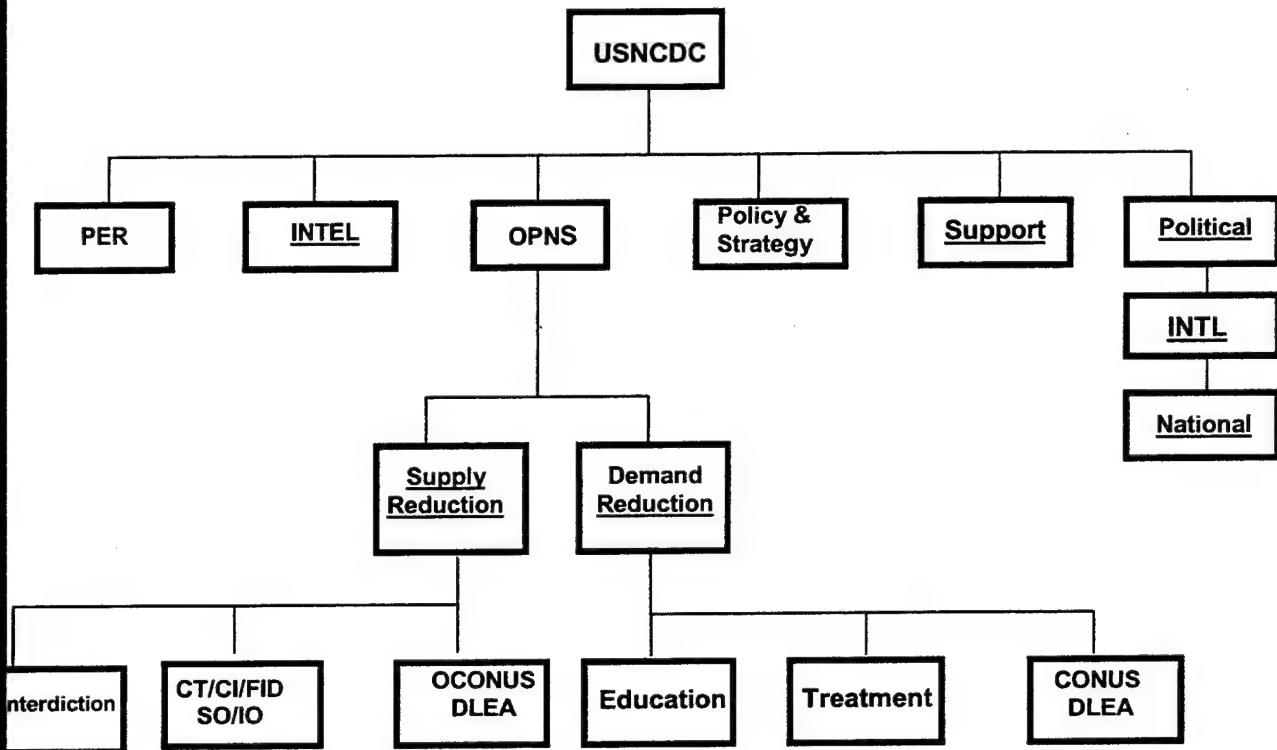


Illustration 6-1

f. Command and Control Relationships

The commander of the National Counter Drug Command will be a presidential political appointee. The commander of NCDC derives its source of authority from the Executive Branch with the full endorsement of congress. Other national level departments may find themselves in supporting roles as directed by the National Command Authority. Much like our current Drug Czar, the commander of the NCDC should have prior military service. The major difference with the NCDC over that of the ONDCP is command. The ONDCP was a coordination center for all counterdrug activities.

The ONDCP had to coordinate with other agencies (Department of Justice, Department of State, Department of Agriculture, etc.) for support of their CD agencies with ONDCP policy and operations. The competition between these departments and agencies for funding for counterdrug programs and activities has become counterproductive. Under one combined headquarters, CINCNCDC decides appropriation of funds and priority of effort and he possesses the CD components of the previously mentioned agencies.

The Department of Defense will find itself in a supporting role to the NCDC. Military forces conducting operations in support of counterdrug activities will be OPCON to the NCDC. Coordination for forces required for military operations both CONUS and OCONUS will be made with the Department of Defense. The NCDC expects coordination procedures with United States Joint Forces Command, Forces Command, and JTF-6 to be streamlined to ensure prompt mission support. These missions will encompass the entire spectrum of MOOTW. They may include but are not limited to; intelligence collection, surveillance, information warfare, interdiction, direct action, and Brigade Combat Team operations. This aspect of the NCDC is a departure from the norm. Since the link between terrorism, organized crime, insurgency, and drug trafficking has clearly been established, we can expect that the fight against drug traffickers will include large combat operations. This point brings a certain level of commitment from the American people.

g. Counterdrug Operations

Counterdrug operations will continue to be divided into two major divisions: supply reduction and demand reduction. The supply division would focus on OCONUS activities and interdiction operations. The OCONUS division would concentrate on crop eradication/substitution, foreign internal defense, security assistance, humanitarian assistance, counter-insurgency operations, and direct action operations to include combating terrorism.

The demand division would focus on prevention. As stated earlier, prevention includes education, treatment, and law enforcement within the United States

h. Political Dimension

The political dimension of counterdrug strategy is perhaps the most important. There are three levels of political concerns; international, bi-lateral, and national.

(1) There must be an international charter from the United Nations to globally eliminate drug trafficking. This charter must be in the form of a United Nations Resolution. A UN resolution would empower nations to conduct counterdrug activities with the full authority of the league of peaceful nations. The United Nations would create a Criminal War Tribunal for drug traffickers and exercise the right to go after those criminals. From the UN resolution, agreements and treaties can be formulated and cooperation can begin. But more importantly, an international strategy can be formulated. Once this strategy is formulated, nations serious about eliminating drug trafficking can begin to work on the problem.

(2) The following list indicates areas where specific counterdrug agreements must be made between the United States and Foreign Governments.

- Joint Counterdrug Operations (Military and DLEA)
- Counter Insurgency (Combat Operations)
- Combating Terrorism

- Information Warfare
- Foreign Internal Defense
- Other Special Operation

(3) U.S. National Resolve. National resolve must raise the bar with regard to the war on drugs.

Politicians must be willing to accept the consequences of failure as quickly as they accept the kudos of victory with the war on drugs. Political careers must no longer enter the equation when dealing with countering drugs. Decisions to act must be made with integrity and conviction. The American people must realize that they are engaged in the most deadly war in history. The U.S. is actively engaged in that war everyday. The cost in winning this war is commitment. That commitment means the employment of soldiers to fight drug traffickers, terrorists, and insurgents. That commitment equates to loss of some of their personal rights to catch drug traffickers. It requires commitment that facilitates the increased role of the military in CONUS by relaxing Posse Comitatus restrictions. Commitment means the possible loss of their sons and daughters serving in uniform as they wage war against international criminal organizations in third world nations. It requires our nation to really get tough on citizens who use drugs for recreation.

Chapter Seven: The Cup Is Half Full

The 1998 National Security Strategy clearly identifies drug trafficking as a continuous global issue, and rightly so. All nations, drug-producing or drug-using, share the common problem of organized crime and narcotic corruption. International crime control strategy and United Nations' sponsored drug control efforts are on the correct path for international cooperation and focus.

The National Security Strategy (1998) and the National Drug Control Strategy (1999) have clearly identified the "ends, ways, and means" to reach their desired goals for drug reduction through the year 2008. Consideration of the suggestions in Chapter Six may assist in a strategy that attempts to eliminate drug trafficking as opposed to mere reduction. The courageous efforts made by the many thousands of agents and servicemen involved in combating drugs are most commendable. However, it is time that the American people understand the true nature of this threat and that our elected officials put aside partisan politics and help beat this drug foe.

Increased emphasis by drug cartels to influence our youth into using drugs will continue into the next century. Drug cartels will find new methods to infiltrate our border security and they will continue to use financially weak or failing nations to launder money. As the United States becomes more effective in its fight against the cartels, the U.S. will see an increase in narco-terrorism on its soil. As America steps up the pace of the war in the next 10 years, so will the international crime rings as they fight for their survival. If this is truly a war, it is time for United States of America to wage a decisive war and apply all the instruments of power available and fight to win.

Word Count: 7962

ENDNOTES

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³ William J. Clinton, A National Security Strategy for a New Century (Washington DC: The White House, October 1998), 6.

⁴ Office of National Drug Control Policy (ONDCP), The National Drug Control Strategy, 1999, 25.

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⁹ Rosenberger, 17.

¹⁰ Department of Justice, 80.

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¹² Ibid.

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¹⁵ Ibid., 79.

¹⁶ Rosenberger, 21.

¹⁷ Department of Justice, 84.

¹⁸ Rosenberger, 26.

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²⁸ Ibid.

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